

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BELCALIS MARLENIS ALMÁNZAR,

Plaintiff,

v.

LATASHA TRANSRINA KEBE a/k/a
LATASHA TRANSRINA HOWARD and
STARMARIE EBONY JONES,

Defendants.

Case No. 1-19-cv-01301-WMR

**DEFENDANT KEBE’S MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Latasha Kebe (“hereinafter referred to as Ms. Kebe”), by and through undersigned Counsel, and, pursuant to Fed. R. Civ. P. 56(b), respectfully moves this Honorable Court for an extension of time to respond to Plaintiff’s Motion for Summary Judgment. In support of this motion, Ms. Kebe states the following:

1. On December 21, 2020, Ms. Kebe filed a Motion to Compel Full and Complete Responses to Kebe’s First Continuing Interrogatories (Dkt. Nos. 82 and 83) and a Motion to Compel Full and Complete Responses, and Production, to Kebe’s First Requests for Production of Documents and Things (Dkt. Nos. 84 and 85).

2. On December 22, 2020, this Honorable Court filed an Amended Notice of Hearing (Dkt. No. 87), stating that arguments for both of Ms. Kebe's motions to compel will be heard on February 3, 2021.
3. On December 30, 2020, Plaintiff filed a Motion for Summary Judgment (Dkt. No. 92).
4. On December 31, 2020, Plaintiff filed a Motion to Compel Production of Documents. (Dkt. Nos. 96 and 97).
5. On January 6, 2021, this Honorable Court filed another Amended Notice of Hearing (Dkt. No. 100), stating that arguments for Plaintiff's motion to compel will also be heard on February 3, 2021.
6. The current deadline to respond to Plaintiff's Motion for Summary Judgment is Wednesday, January 20, 2021.
7. Fed. R. Civ. P. 56(b) states that "[a] party may file a motion for summary judgment at any time until 30 days after the close of all discovery." Because this Honorable Court currently has three pending motions to compel discovery before it, there is a good chance that this Court will order further production of discovery on or after February 3, 2021. Therefore, the discovery period in the foregoing case has not yet come to a close, making Plaintiff's Motion for Summary Judgment

premature.

8. Counsel for Plaintiff has declined to consent to the requested extension on the grounds that they “disagree about the merits of your motions to compel” and “do not believe that any of the supplemental responses or productions you’ve sought in those motions are material to the court’s resolution of our summary judgment motion.” Despite the fact that crucial discovery remains outstanding.
9. In light of the fact that discovery in the foregoing case is not yet closed, Plaintiff’s Motion for Summary Judgment is premature, and crucial discovery remains outstanding, Ms. Kebe respectfully requests the following extension of the response deadline:
 - (a) if this Honorable Court denies all motions to compel, then Ms. Kebe shall have 21 days from the date of the Court’s Order to respond to Plaintiff’s Motion for Summary Judgment.
 - (b) if this Honorable Court compels discovery production, then Ms. Kebe shall have 21 days from the date of compliance, with this Court’s order to produce additional discovery, to respond to Plaintiff’s Motion for Summary Judgment.
10. A proposed order has been submitted with this motion.

CERTIFICATION AS TO FONT

In accordance with Local Rule 7.1(D), the undersigned certifies that the foregoing document was prepared with Times New Roman 14, a font and point selection approved by the Court in Local Rule 5.1(C).

Respectfully submitted this 17th day of January, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2021, I electronically filed the foregoing DEFENDANT KEBE'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to all of the attorneys of record.

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